IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1214 to 1220 & 1245 of 2003

in

SPECIAL CIVIL APPLICATIONNo 6810,6808,7419,4092,
6809, 6807, 6806 & 7420 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMRELI MUNICIPALITY

Versus

BHARATKUMAR P DHANANI

Appearance:

1. LETTERS PATENT APPEAL No. 1214 of 2003

MR AMIT M PANCHAL for Appellant No.

Mr D C Sejpal for respondent

Mr K M Paul for respondent

Mr Uday R Bhatt, AGP for the State

CORAM : HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE D.P.BUCH

Date of decision: 28/11/2003

ORAL (COMMON) JUDGEMENT

(Per : HON'BLE MR.JUSTICE D.K.TRIVEDI)

Heard Mr Amit Panchal, learned Advocate for the appellant, Mr D C Sejpal, learned Advocate for the respondents on caveat and Mr Kishore Paul, learned Advocate who appeares in one of the matters for respondent workman and Mr Uday Bhatt, Learned AGP for the respondent-State.

2. Considering the request made by Mr Amit Panchal when we have disposed of another LPA being LPA No.1079 of 2003 on 25.11.2003, the Civil Applications along with these LPAs were ordered to be notified before us for hearing by the consent of the learned Advocates appearing in these matters and accordingly while considering the applications for delay filed by the learned Advocate for the appellant, we have disposed of the said applications for delay filed by the appellant by granting the said applications and the LPAs were ordered to be numbered and these LPAs are accordingly required to be examined. While the LPAs were filed challenging the order of the learned Single Judge wherein the learned Single Judge, by a common judgment, has disposed of all the Special Civil Applications filed by the Municipality by modifying the award to the extent as per his order and the petitions were partly allowed. The learned Single Judge has also made observations that it would be open for the Municipality to represent their case for enhancing the existing set up on the basis of each award so that the Municipality may receive certain financial help by way of grant from the State Government. The learned Single Judge further observed that as and when such proposal of the Municipality is received, the Government was directed to consider such proposal in light of the observations made in the judgment. Mr Sejpal and Mr Paul, learned Advocates for the respondents have also raised preliminary contentions about the maintainability of these LPAs as raised in LPA No.1079/2003. Mr Panchal, learned Advocate also contended by dealing with the preliminary contentions raised in these appeals about the maintainability of the LPAs which he had raised while arguing the LPA being No.1079/2003. In light of the contentions raised and the fact that while disposing of LPA No. 1079/2003, we have held that the petition filed by the Municipality before the High Court challenging the award of the Industrial Tribunal, though in the petition the petitioner has challenged the award by mentioning

Article 226 and 227 of the Constitution of India, the learned Single Judge, while dealing with the said petitions, has treated the petition filed by the Municipality as a petition under Article 227 of the Constitution of India. In light of the decision taken in LPA No.1079/2003 which is based on the judgment of the Division Bench of this Court and as we have held that the LPA is not maintainable, these appeals are also treated to be not maintainable. Needless to say that we have not considered the challenge in these appeals on merits. Accordingly all the appeals stand dismissed at the admission stage.

[D K Trivedi, J.] [D P Buch, J.]
msp